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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

In re A.H., a Person Coming Under the
Juvenile Court Law.

SACRAMENTO COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES,

Plaintiff and Respondent,

v.

Meleika T.,

Defendant and Appellant.

C046468

(Sup.Ct. No. JD215377)

Meleika T., mother of the minor, appeals from orders of the juvenile court terminating her parental rights and freeing the minor for adoption. (Welf. & Inst. Code, §§ 366.26, 395 [further undesignated statutory references are to this code].) Appellant contends substantial evidence does not support the court's finding that the minor was likely to be adopted. We affirm.

FACTS

The three-year-old minor was placed in foster care in May 2000, based upon a petition alleging substance abuse and domestic violence by her parents. The juvenile court sustained the petition and ordered reunification services.

The minor and her sibling were first placed in a county foster home but were moved to a new foster home in August 2000 due to conflicts with the previous foster mother. The minor adjusted to the placement despite her past behavior problems but, in May 2001, the foster parent requested the minor's removal due to the foster grandmother's failing health. There were no reported health or developmental problems, however the minor was referred to counseling for posttraumatic stress disorder and reactive attachment disorder and was aggressive and defiant in the foster home.

The minor was moved to a new placement on May 31, 2001. The minor's sibling joined her in the new placement in July 2001. The minor's counseling had been terminated as no longer necessary and her behavior had improved although she still was somewhat disrespectful and noncompliant.

In January 2002, the court terminated services and set a section 366.26 hearing. By April 9, 2002, the minor had been moved to a new placement for constant fighting with her sibling. Not long before, the minor had been removed from a prior placement for fighting. The minor appeared to be doing well in her new placement. The minor remained healthy, developmentally on target and was described as "engaging." In December 2001, the

minor was prescribed medication for attention deficit hyperactivity disorder (ADHD). The minor resumed therapy to work on issues of loss and adjustment. Due to her behavioral issues, the minor was not considered likely to be adopted but had made a good adjustment to her new home. In May 2002, the court ordered a permanent plan of long-term foster care.

In July, the minor was moved to a new placement due to behavioral problems exacerbated by appellant's failure to attend visits. The minor's behavior seemed to improve, but in January 2003, the minor was again moved to a new placement.

By April 2003, the minor's behavior appeared to be stabilizing and overnight visits with her sibling were initiated. The minor remained on medication for ADHD and in therapy where she continued to make progress.

In July 2003, the social worker filed a petition to modify the minor's long-term plan to adoption and asked the court to set a section 366.26 hearing. The court granted the petition.

The assessment filed in December 2003, for the section 366.26 hearing stated the now seven-year-old minor continued in good health and was developing normally. The minor also was still taking medication for ADHD and was doing well in school. She displayed no behavioral problems and was described as an easy, happy child. The minor's sibling had been placed in the home and the prospective adoptive parents had an approved adoption home study. The assessment recommended termination of parental rights with a permanent plan of adoption in that the minor's current caretakers were committed to adopting her.

Neither parent appeared at the section 366.26 hearing. Counsel objected generally to termination of parental rights but had no evidence to present. The court adopted the recommended findings and orders, finding the minor was likely to be adopted and terminating parental rights.

DISCUSSION

Appellant contends there is insufficient evidence to support the juvenile court's finding the minor was likely to be adopted.

When the sufficiency of the evidence to support a finding or order is challenged on appeal, even where the standard of proof in the trial court is clear and convincing, the reviewing court must determine if there is any substantial evidence -- that is, evidence which is reasonable, credible and of solid value -- to support the conclusion of the trier of fact. (*In re Jason L.* (1990) 222 Cal.App.3d 1206, 1214; *In re Angelia P.* (1981) 28 Cal.3d 908, 924.) In making this determination we recognize that all conflicts are to be resolved in favor of the prevailing party and that issues of fact and credibility are questions for the trier of fact. (*In re Jason L., supra*, at p. 1214; *In re Steve W.* (1990) 217 Cal.App.3d 10, 16.) The reviewing court may not reweigh the evidence when assessing the sufficiency of the evidence. (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318-319.)

"If the court determines, based on the assessment . . . and any other relevant evidence, by a clear and convincing standard, that it is likely the child will be adopted, the court shall terminate parental rights and order the child placed for adoption." (§ 366.26, subd. (c)(1).) Determination of whether a

child is likely to be adopted focuses first upon the characteristics of the child, i.e., age, physical condition, development and psychological aspects such as emotional and behavioral features. (*In re Sarah M.* (1994) 22 Cal.App.4th 1642, 1649.) The existence or suitability of the prospective adoptive family, if any, is not relevant to this issue. (*Ibid.*; *In re Scott M.* (1993) 13 Cal.App.4th 839, 844.) “[T]here must be convincing evidence of the likelihood that the adoption will take place within a reasonable time.” (*In re Brian P.* (2002) 99 Cal.App.4th 616, 624.) The fact that a prospective adoptive family is willing to adopt the minor is evidence that the minor is likely to be adopted by that family or some other family in a reasonable time. (*In re Lukas B.* (2000) 79 Cal.App.4th 1145, 1154.)

While the minor had a history of failed placements and ongoing behavioral problems, she had maintained in the last placement for over a year with out significant problems and was even successfully sharing her placement with her sibling. The basis for the behavioral stability are not explained, but the minor continued to take medication for her ADHD symptoms, had participated in consistent therapy and was older and more able to adjust and control her own behavior. Although she has a history of behavioral problems, she was only seven years old, healthy, developmentally on target, succeeding in school and described as engaging and an easy child. Her current caretakers were well aware of her history, had successfully dealt with her problems for many months and were committed to adoption. Ample evidence

supports the court finding by clear and convincing evidence that the minor was likely to be adopted.

DISPOSITION

The orders of the juvenile court are affirmed.

MORRISON, J.

We concur:

NICHOLSON, Acting P.J.

HULL, J.